

**Urging The New York State Legislature To Dissolve And Replace
New York Public Health Law Section 18**

Referred to: The Public Health and Social Services Committee (Chairman Lopez and Legislators Allen, Belfiglio, Litts and Provenzano)

Legislator Chris Allen offers the following:

WHEREAS, New York Public Health Law Section 18 allows any "qualified person" as defined by New York Public Health Care Law Section 18, Subdivision G, to request the inspection of the medical records of a "subject" as defined by New York State Health Care Law Section 18, subdivision I, for "such subject to inspect any patient information concerning or relating to the examination or treatment of such subject in the possession of such health care provider" which is also "subject to the provisions of subdivision three of this section (b), upon the written request of the committee of an incompetent appointed pursuant to article seventy-eight of the mental hygiene law, a health care provider shall provide an opportunity within ten days for the inspection by such committee of any patient information concerning the incompetent subject that is in possession of the health provider"; and

WHEREAS, New York Public Health Law Section 18, Subdivision (c) defines the provisions through which a parent or any legally appointed guardian may have the legal right to request the inspection of "any patient information maintained or possessed by such provider concerning care or treatment of the infant for which the consent of such parent or guardian was obtained or where the care was provided without consent in an emergency or as the result of an accidental injury or the unexpected onset of a serious illness"; and

WHEREAS, New York State Public Health Law Section 18, Subdivision 8 provides for the inspection of health care records by "qualified persons" and it provides for challenges to the accuracy of patients' information, and it allows for the inclusion of a brief written statement to be permanently added to the patient information immediately after the challenged information, and such information will become a permanent part of the patients' records and shall be released any time the information at issue is released; and

WHEREAS, New York State Public Health Care Law Section 18, Subdivision 8 allows facilities to place specifically unspecified "reasonable restrictions" on the time and frequency of such challenges to accuracy; and

WHEREAS, such challenged and potentially incorrect information being permanently put into the health care records of New York State Residents can have a detrimental and lasting effect on the ability of these residents to obtain Health Insurance and Life Insurance at a more affordable rate; and

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WHEREAS, said errors and incorrect information can also have a detrimental effect on the health and welfare of these residents in the event of a medical emergency or in the routine maintenance and treatment of their personal health care needs; and

WHEREAS, the existence of errors and incorrect information in the permanent health care records of residents of New York State who are of legal minority status and under the age of eighteen can have a detrimental effect on the immediate treatment and care of said residents during health care emergencies and in the routine care and treatment of their health care needs, and such errors and omissions can have a future effect on their ability to obtain health insurance and life insurance at a more affordable rate; and

WHEREAS, the Health and Social Services Committee of the Ulster County Legislature takes the health and welfare of the residents of Ulster County very seriously; and

WHEREAS, the 23-member Ulster County Legislature is the duly elected government body with the sworn duty of drafting and passing legislative laws into effect for Ulster County within the State of New York; now, therefore, be it

RESOLVED, the Ulster County Legislature strongly recommends that the New York State Senate and the New York State Assembly legally absolve New York Public Health Law Section 18 and replace it with a New York State Health Care Code that addresses and corrects all of the aforementioned flaws within New York Public Health Law Section 18; and be it further

RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to New York State Assemblymen Kevin A. Cahill, Peter D. Lopez, Claudia Tenney and Frank Skartados, and New York State Senators George Amedore, John J. Bonacic, William J. Larkin Jr. and James L. Seward,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

Passed Committee: Public Health and Social Services on _____.

FINANCIAL IMPACT:
NONE